

VZCZCXYZ0000
OO RUEHWEB

DE RUEHLM #1017/01 2001218
ZNY CCCCC ZZH
O 191218Z JUL 07
FM AMEMBASSY COLOMBO
TO RHHMUNA/HQ USPACOM HONOLULU HI IMMEDIATE
RUEKJCS/Joint STAFF WASHDC IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEHC/SECSTATE WASHDC IMMEDIATE 6481
INFO RUEHKA/AMEMBASSY DHAKA PRIORITY 0294
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 7278
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 5387
RUEHLO/AMEMBASSY LONDON PRIORITY 3919
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1208
RHEFDIA/DIA WASHINGTON DC PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY

C O N F I D E N T I A L COLOMBO 001017

SIPDIS

SIPDIS

DEPARTMENT FOR SCA/INS AND PM
SECDEF FOR OSD
PACOM FOR J-4/5 (ROURKE)

E.O. 12958: DECL: 07/19/2017
TAGS: PGOV PREL PTER PHUM MOPS CE
SUBJECT: SRI LANKA: GOVERNMENT PLANS TO RELEASE ACSA
ANNEXES ON JULY 20

Classified By: Charge d'Affaires, James R. Moore, for reasons 1.4(b,d).

¶1. (C) SUMMARY: Opposition parties are trying to make political hay out of the GSL's execution of an Acquisition and Cross-Servicing Agreement (ACSA) with the USG. At the time it was signed on March 5, 2007, by Defense Secretary Gothabaya Rajapaksa and Ambassador Blake, Embassy issued a short press statement about the agreement. We told the GSL at the time that we would not release the text of the agreement itself, but had no objections should the GSL decide to do so. We suggested they not release the annexes, however, because these contain sensitive names and telephone numbers. The Sinhalese left-wing nationalist Janatha Vimukthi Peramuna (JVP) has since filed a "fundamental rights" case in the Supreme Court to force the GSL to release the annexes. The JVP and the principal opposition United National Party (UNP) have both criticized the GSL for its "secret" deal with the U.S. On July 19, Presidential Chief of Staff Lalith Weeratunga contacted Charge to ask whether the U.S. would object to public release of the ACSA annexes. On July 19, the nationalistic daily "Island" published an article stating that the GSL plans to release the annexes. Government Minister Jeyaraj Fernandopulle confirmed to us privately that the GSL plans to table the texts of the annexes in Parliament on July 20. However, Fernandopulle said that the GSL plans to redact out sensitive contact information in the operational annexes, including telephone numbers. Embassy's Office of Defense Cooperation (ODC) consulted U.S. Pacific Command (PACOM) concerning the public disclosure of the annexes. PACOM J45 told us the ACSA was a legal, unclassified document, and noted that other countries have disclosed the texts of the annexes in the past. SCA/INS please see urgent action request in paragraph 6. END SUMMARY.

BACKGROUND

¶2. (C) On March 5, 2007, Defense Secretary Gothabaya Rajapaksa and Ambassador executed a standard ACSA to allow the USG and GSL to transfer and exchange logistical supplies, support, and re-fueling services during peacekeeping missions, humanitarian operations and joint exercises. Sri Lanka became the 90th country with which the USG has signed an ACSA. Embassy issued a press statement on the day of the

signing. We advised the GSL that we did not plan to release the text of the agreement, but that they were free to do so. We suggested that it would be best not to publish the annexes, which are full of logistical data, including sensitive telephone numbers, telex addresses, and other data.

¶3. (C) The ACSA subsequently became a political football. For several months the JVP has complained about the legality of the GSL's "secret" agreement with the USG, fomenting fear among its political base of hard-line Sinhalese nationalists that the USG has induced Sri Lanka to sign an agreement inimical to its own security interests. As part of this attack, the JVP filed a fundamental rights case with the Sri Lanka Supreme Court seeking public release of the annexes. The GSL has taken the position that it will not release the annexes while the litigation is pending. On Monday, July 15, both the JVP and the primary opposition party, the UNP, began clamoring in Parliament for public release of the ASCA annexes. (Note: the UNP, with its pro-U.S. orientation, nevertheless seems intent on capitalizing on what it sees as a potential administration weakness.) Parliament was briefly suspended when the JVP stormed out in protest over the President of Parliament's refusal to allow Parliamentary debate on the issue.

NOTHING TO HIDE

¶4. (C) The nationalistic daily "Island" reported on July 18 that the GSL plans to publicly release the annexes to demonstrate that it has nothing to hide. Also on July 18, Charge received a call from Presidential Chief of Staff Lalith Weeratunga, who reported that President Rajapaksa,

following a Cabinet meeting on the subject, would like to know whether the USG would object to the release of the ASCA annexes. In response to Weeratunga's question, Post consulted with PACOM J45, which stated that ASCA and its annexes constitute an unclassified legal agreement that can be publicly disclosed by either side. PACOM added that certain other countries have chosen to publish the annexes. Minister Jeyaraj Fernandopulle told us that the GSL would release a redacted version of the annexes to Parliament tomorrow, July 20.

¶5. (C) COMMENT: It will be impossible to stop the public disclosure of the annexes once Parliament is given copies. Inevitably, this issue will become even more of a cause celebre, with the opposition parties seeking to manufacture an implication of impropriety. As the political liability presently is being borne by the Sri Lankan government, we are inclined to accept their judgment on the best way for them to handle the political fallout. They are probably correct that withholding the annexes from Parliament would simply inflame the debate. However, Post will recommend to the GSL that it redact out the names and telephone numbers, and other sensitive contact information from the annexes.

ACTION REQUEST

¶6. (C) Embassy requests that SCA, PACOM or other concerned agencies convey to us any objections to the disclosure of the ACSA annexes by close of business on January 19 so that we can take timely action if required.

MOORE